



Mwanza v National Police Service Commission & 3 others (Employment and Labour Relations Petition E065 of 2024) [2024] KEELRC 1187 (KLR) (21 May 2024) (Ruling)

Neutral citation: [2024] KEELRC 1187 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
EMPLOYMENT AND LABOUR RELATIONS PETITION E065 OF 2024**

**AN MWAURE, J
MAY 21, 2024**

BETWEEN

ANDREW KYALO MWANZA PETITIONER

AND

NATIONAL POLICE SERVICE COMMISSION 1ST RESPONDENT

INSPECTOR GENERAL OF POLICE 2ND RESPONDENT

DIRECTORATE OF CRIMINAL INVESTIGATIONS 3RD RESPONDENT

ATTORNEY GENERAL 4TH RESPONDENT

RULING

1. The court has considered the application *vide* notice of motion dated 26th April 2024 and the prayers are as hereunder.

1. That the matter be certified as urgent and service of the same be dispensed with in the first instance.
2. That the honourable court be and is hereby pleased to issue directions on the disposal of the main petition.
3. Any other and further relief that this honourable court may deem fit and just to grant in the circumstances.

2. The court has certified the matter as urgent and has issued directions on the disposal of the main petition as hereunder:

In view of the foregoing the court orders the respondents to file their reply to the petition within 10 days and thereafter petitioner to file their submissions within 10 days upon



service. The respondents will also have 10 days upon service of the petitioner's submissions.
All parties to avail hard copies to the court of their pleadings upon service.

Mention on 3/7/2024 to confirm compliance and to give a date for judgment.

Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 21ST DAY OF MAY, 2024.

ANNA NGIBUINI MWAURE

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by His Lordship, the Chief Justice on 15th March 2020 and subsequent directions of 21st April 2020 that judgments and rulings shall be delivered through video conferencing or via email. They have waived compliance with Order 21 Rule 1 of the Civil Procedure Rules, which requires that all judgments and rulings be pronounced in open Court. In permitting this course, this Court has been guided by Article 159(2)(d) of the Constitution which requires the Court to eschew undue technicalities in delivering justice, the right of access to justice guaranteed to every person under Article 48 of the Constitution and the provisions of Section 1B of the Procedure Act (Chapter 21 of the Laws of Kenya) which impose on this Court the duty of the Court, inter alia, to use suitable technology to enhance the overriding objective which is to facilitate just, expeditious, proportionate and affordable resolution of civil disputes.

A signed copy will be availed to each party upon payment of Court fees.

ANNA NGIBUINI MWAURE

JUDGE

